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11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

14 THE ESTATE OF B.H., JOHN HERNDON,
J.H., a minor, T.H., a minor, on behalf of
15 themselves and all other similarly situated,

16 Plaintiffs,

17 vs.

18 NETFLIX, INC.,

19 Defendant.

Case No. 4:21-cv-06561-YGR

**RESPONSE TO PLAINTIFF'S MOTION
TO EXTEND TIME**

Date: September 3, 2025

Ctrm: 1

Judge: Yvonne Gonzalez Rogers

21 Defendant Netflix, Inc. does not take a position on whether the Court should grant
22 Plaintiff's motion for a 21-day extension of time for the parties to file reply briefs addressing the
23 impact, if any, of *Royal Canin U.S.A. v. Wullschleger*, 604 U.S. 22 (2025) on this matter.
24 However, Defendant would object to an extension being granted without sufficient notice before
25 the the current September 5, 2025 deadline, and without a corresponding extension of Defendant's
26 reply deadline.

27 After this case was remanded by the Ninth Circuit for this Court to consider the impact of
28 *Royal Canin*, the Court ordered the to parties submit a briefing schedule for "simultaneous briefs

1 and replies.” Dkt. 97. In response, the parties jointly proposed, and the Court ordered, that the
2 parties would file simultaneous principal briefs on August 1, 2025, simultaneous reply briefs on
3 September 5, 2025, and be heard on September 23, 2025. Dkt. 103.

4 Defendant is prepared to file its reply brief on September 5, 2025 as required by the current
5 schedule, but it should not be put in a position where it is filing a reply brief before Plaintiff.
6 Instead, as Plaintiff appears to agree (see Mot. at 2), the schedule requiring a simultaneous
7 exchange of reply briefs should be preserved. Accordingly, Defendant respectfully requests that
8 (1) the Court rule on Plaintiff’s motion prior to September 5, 2025 so that the parties know
9 whether that deadline will remain in place or be moved; and (2) if the Court extends the deadline
10 for reply briefs it does so for both parties such that their respective replies will be due at the same
11 time.

12 Respectfully submitted,

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14 DATED: September 2, 2025.

MUNGER, TOLLES & OLSON LLP

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16 By: /s/ Blanca F. Young

17 BLANCA F. YOUNG

18 Attorneys for NETFLIX, INC.
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